

AMERICAN ARBITRATION ASSOCIATION
NEW YORK, NY

AAA #13 114 E 00040 06

In Re:

McDougal Littell, a division of Houghton Mifflin Company, Claimant,

V.

Jay Maisel, Respondent.

AFFIDAVIT

COMMONWEALTH OF MASSACHUSETTS)
 : ss.:
COUNTY OF SUFFOLK)

PAMELA DIEDRICH, being duly sworn, deposes and says:


1. I am Director, Demand Planning, for Houghton Mifflin Company. I have held this position since July 1, 2006. Prior to that time, from March 1997 through June 2006 I was Director of Inventory for McDougal Littell, a division of Houghton Mifflin Company.

2. Annexed hereto is a spreadsheet showing that 30,695 copies of *The Language of Literature* (“*LOL*”) Ninth Grade Pupil Edition were delivered by the printer to our Indianapolis warehouse on March 7, 1996, and 13,1367 copies of the Ninth Grade Teacher’s Edition of *LOL* were delivered to that location on June 7, 1996. Both editions contained the Maisel photograph “Mosque Rays.” Accordingly, over 43,000 copies of *LOL* had been printed prior to July 15, 1996. An additional 25,704 copies of the *LOL* Ninth Grade Pupil Edition of Ninth Grade were delivered to our warehouse on July 16, 1996, which means those copies would have been printed two to three weeks before July 15, 1996.

3. The figures on the attached spreadsheet were derived from our computerized records, which Houghton Mifflin Company and McDougal Littell maintain in the ordinary course of their business.

Pamela Diedrich
Pamela Diedrich

Sworn to before me this
27 day of September, 2006

 **GRISEL BARRETO**
Notary Public
Notary Public, Commonwealth of Massachusetts
My Commission Expires
July 19, 2013

[illegible]